

ENTERED

November 28, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

TREY LOUIS BUBENIK, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. 2:22-CV-00293
§
KILOLO KIJAKAZI, §
§
Defendant. §

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Plaintiff's Unopposed Motion for Attorney's Fees Under the Equal Access to Justice Act (EAJA). D.E. 22. On October 11, 2023, United States Magistrate Judge Julie K. Hampton issued a Memorandum and Recommendation (M&R), recommending that Plaintiff's motion be granted and that he be awarded \$7,337.00 in attorney's fees under 28 U.S.C. § 2412. D.E. 23. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the

Magistrate Judge's M&R, and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Therefore, Plaintiff's motion for attorney's fees is **GRANTED**. The Court **ORDERS** that an EAJA fee award of \$7,337.00 be made payable to Plaintiff, Trey Bubenik, and sent in care of his attorney, Karl E. Osterhout.

ORDERED on November 28, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE